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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,268

04/12/2007

Gaku Maruyama

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38834

7590

11/25/2009

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EXAMINER

KAHN, RACHEL

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

11/25/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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patentmail@whda.com

Examiner-Initiated Interview Summary	Application No. 10/584,268	Applicant(s) MARUYAMA ET AL.	
	Examiner RACHEL KAHN	Art Unit 1796	

All Participants:

(1) RACHEL KAHN.

(2) Bernadette McGann.

Date of Interview: 16 November 2009

Status of Application: After Final

(3) ____.

(4) ____.

Time: noon

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

Claims discussed:

all

Prior art documents discussed:

Furukawa

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Randy Gulakowski/
Supervisory Patent Examiner, Art Unit 1796
/RACHEL KAHN/
Examiner, Art Unit 1796

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner indicated that upon reconsideration and discussion at length with supervisor Randy Gulakowski, the claims are not allowable as previously indicated. The current ranges in equations (3) and (4) are not patentable over examples 5 and 11 disclosed by Furukawa, as Applicant has not proven that the recited value for K would not be inherently met. The data provided by Applicant in the response filed 6/2/09 is insufficient to overcome Furukawa, as the K values for these examples (represented by stars on the graph) were not experimentally measured by Applicant. Rather, Applicant has speculated that they would fall outside the recited range for K based on trends.

Examiner indicated that, absent further experimental data, amending the claim to recite an upper limit of 190 instead of 200 would overcome Furukawa. Furukawa discloses no examples under 200 ppm phosphorus, and Applicant has shown that K is not inherently met by the ranges disclosed by Furukawa (comparative examples 1 and 3).